IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 6817 of 2007(J)

PETITIONER:

SEBASTIAN G. MORRIS,
102-A, SUIT SUMMIT, E.R.G.ROAD, ERNAKULAM,
KOCHI-682 014.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENTS:

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1. THE CENTRAL BANK OF INDIA,
OVERSEAS BUSINESS CENTRE BRANCH, WILLINGDON ISLAND, KOCHI-682 003.

2. THE CHIEF MANAGER,
CENTRAL BANK OF INDIA, OVERSEAS BUSINESS CENTRE BRANCH, WILLINGDON ISLAND, KOCHI-682 003.

BY ADV. SRI DEVAN RAMACHANDRAN SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.6817 OF 2007

Dated this the 13th day of March, 2007

JUDGMENT

Heard.

2. Since the Bank has already taken possession under the SARFAESI Act, the petitioner has right to a pre-sale notice under Rule 8(6) of the Security Interest (Enforcement) Rules 2002. The petitioner, through learned counsel, submits that he waives the right of such notice. Hence, the Bank is directed to immediately take up the question of sale and issue the requisite sale certificate, after finalising the sale with the person who is now identified by the petitioner for the purchase.

The writ petition is disposed of with the above direction.

Issue copy today itself.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.